



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE:

The application of : Parra, Anthony C.
Serial No. : 10/075,082
Filed on : 02/13/2002
For : Casino Gaming Station
Group : 7564
Examiner : Marks, Christina M. and O'Neill, Michael W.
Attorney Docket No. : M223

BRIEF ON APPEAL

Hon. Commissioner of
Patents and Trademarks
Alexandria, Virginia 22313

Sir:

If any additional charges or fees must be paid in connection with this communication, they may be paid out of our deposit account No. 50-0783.

This is an appeal from the Final Rejection of the Examiner dated November 26, 2004 finally rejecting claims 1, 2 and 4 through 14, all of the pending claims in this application. Three copies of this brief are submitted. A check in the amount of \$250.00 is enclosed.

In compliance with 37 CFR 1.192(c), the following nine specific items are presented:

04/25/2005 EFLORES 00000020 10075082

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(1) REAL PARTY IN INTEREST

The real parties in interest are the appellants, who are the applicants and the inventors.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant or appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 1 through 14 were filed with the original application. Claims 1 and 10 are the only independent claims. Claim 3 was canceled and claims 1 and 10 have been amended during the prosecution of the application. Claims 1, 2 and 4 through 14 remain in the application and all the claims stand rejected and are the subject of this appeal.

(4) STATUS OF AMENDMENTS

An amendment was filed in response to the final rejection dated November 26, 2004. Entry of the amendment was denied. The appeal is taken from the final rejection entered November 26, 2004.

(5) SUMMARY OF THE INVENTION

The gaming floor of a casino is typically divided into a number of sections with tables of the same game grouped together within each of the sections. The casino will have various electronic devices installed within the various tables and in the ceilings to provide surveillance so as to prevent cheating at the tables (page 1 lines 7 – 19 of the specification). If the operators of the casino wish to change the mix of

games so as to reduce the number of tables allocated for a first game and increase the number of tables allocated to a second game, both the tables and the surveillance cameras mounted in the ceiling must be correspondingly changed (specification, page 2).

To simplify the reconfiguring of the game floor of a casino, the invention includes a free standing gaming table and a free standing canopy mounted on a pedestal positioned adjacent the table. The gaming table has an upper surface with marking suitable for the playing of one of the games of chance of the casino and other amenities, such as a monitor for displaying activities elsewhere in the casino and a telephone to permit the players to make reservations or schedule other activities without leaving the table (specification, page 3 lines 10 – 21).

The pedestal 50 has a base 55 having sufficient weight and dimensions to adequately support a canopy 56 over the center of the table while the pedestal is positioned sufficiently far from the table so as not to interfere with the activities of the patron or the dealer who are engaged in the play of the game (specification, page 6 lines 5 – 15). The pedestal includes a unitary member consisting of a vertical post 52 and at the upper end of the vertical post 52, a horizontal extension 54, and at the outer end of the extension 54 is retained the canopy 56 (specification, page 6 lines 7 – 10). The canopy 56 has an outer surface 60 which is provided with an LED display, or other means for projecting advertising material that can be seen by patrons passing the casino gaming station (specification, page 6 lines 15 – 18) and centrally located along the lower surface of the canopy is a transparent dome 62 into which is fitted a video camera 64 (specification, page 6 lines 19, 20). Various cables or the

like connect the output from the video camera to a screen that can be viewed by a supervisor at a remote location in the casino to detect cheaters participating in the game (specification, page 7 lines 1, 2).

The post 52 includes a table 72 for use by the dealer and a monitor 76 which projects the view of the game as seen through the eye of the video camera 64. The table also includes a headset 78 and a microphone 80 through which the dealer maintains audio communication with a remote supervisor and with other dealers in the casino (specification, page 7, lines 17 – 19).

Neither the pedestal nor the table are secured to the floor so as to be readily moveable from one location to another (specification, page 7 lines 20, 21). By providing a second table suitable for a second game, the mix of games on a gaming floor can be readily changed. If the demands of the two games are substantially the same, the advertising material 60 on the canopy 56 can be changed and the same pedestal 50 can be used for the second game. On the other hand, if the requirements of the second gaming table are different from the first, a pedestal and canopy 56 suitable for use with the second game can be substituted for that used with the first (specification, page 8 lines 5 – 16).

There are two independent claims in the application, numbers 1 and 10. Claim 1 is directed to the gaming station including a table and a pedestal. The pedestal has a base and a unitary member having a first portion extending vertically from the base and a second portion attached to the upper end of the first portion and extending horizontally therefrom with a canopy at the outer end. A motion video camera positioned in the canopy is positioned to record the play on the gaming table.

Claim 10 is directed to only the pedestal and includes a base and a unitary member having a first portion extending vertically from the base and a horizontal second portion with a canopy at the outer end and a motion video camera positioned to record the play of the game on the table.

(6) ISSUES

The issues presented for review are:

- (a) whether claims 1 and 10 are unpatentable under 35 USC 103(a) over Walsh (US Patent no. 5,726,706) in view of Wilton (US Patent no. 3,643,345).
- (b) whether claim 2 is unpatentable over Walsh in view of Wilton and in further view of Wynn et al (US Patent no. 5,971,271).
- (c) whether claims 7 and 12 are unpatentable under 35 USC 103(a) over Walsh in view of Wilton and in further view of Sines et al (US Patent no. 6,270,404).
- (d) whether claims 8, 9, 13, 14 are patentable under 35 USC 103(a) over Walsh in view of Wilton in further view of Breeding et al (US Patent no. 6,299,534).

(7) GROUPING OF CLAIMS

Claims 1 and 10 are independent and claim different elements. Specifically, the table, and the elements relating to the table, are recited only in claim 1 and therefore claims 1 and 10 are independently patentable. Claim 2 recites the gaming station of claim 1 and further comprises a headset for use by a dealer and connected to a supervisor at a remote location to facilitate communication between the supervisor and the dealer. It is believed that the headset, connected to a supervisor, as claimed is not shown by the references cited and is therefore independently patentable. Claims 7 and 12 recite a video display mounted on the pedestal and

these claims are believed to be independently patentable. Claims 8 and 9 are dependent on claim 1 and claims 13 and 14 are dependent on claim 10, but these four claims are believed to be independently patentable. Claims 4, 5 and 6 are dependent upon claim 1 and their patentability stands or falls with claim 1. Claim 11 is dependent on claim 10 and its patentability stands or falls with the patentability of claim 10.

(8) ARGUMENT

(a) Whether claims 1 and 10 are unpatentable under 35USC 103(a) over Walsh in view of Wilton.

Both claims 1 and 10 stand rejected under 35 USC 103(a) as being unpatentable over Walsh and Wilton. The Walsh references is cited as disclosing a canopy having a camera mounted therein for viewing the surface of a table positioned below the canopy. The Wilton reference is cited as teaching a pedestal having a base and “a unitary member extending vertically from the base until an upper end (5)..., a horizontal member (4), the second portion” (page 3 lines 13 – 14 of final action), and a canopy containing a camera. The examiner further asserts that “it would be obvious...that the crane could become integral and still serve the function required by the casino, thus making it entirely fixable would be obvious to a skilled artisan who would be motivated by the environment and requirements for usage in a casino” (page 4 lines 1 – 8 of final action).

In an earlier Office Action, the examiner had cited Chapman US Patent no. 6,450,706 B1, which disclosed a mobile crane having a complicated articulating arm for holding a cameraman and a camera at the upper end thereof for use in the movie

industry as disclosing a pedestal having a base, a member extending vertically from the base and a horizontal member extending from the upper end of the vertical member to support a canopy. In the amendment filed August 13, 2004, the applicant amended the claims to recite that the pedestal includes a base and “a unitary member” attached thereto “having a first portion” extending vertically from the base and a horizontal “second portion” attached to the upper end of the first portion with a canopy at the outer end of the horizontal second portion. In the Remarks following the August 13, 2004 amendment, the applicant asserted that the insertion of the “unitary member” having vertical and horizontal portions had been made to distinguish the multi-hinged articulating arm disclosed by the Chapman reference. In the final rejection issued November 26, 2004, the examiner has withdrawn the Chapman reference and substituted the Wilton reference. The Wilton reference is superior to the previously cited Chapman reference because the crane of Wilton is not mounted on a mobile vehicle (as was Chapman) and the camera is permanently aimed downwardly and not adjustable by the crane operator.

The applicant strongly denies that the arm of the Wilton device is unitary, or that it is obvious to make the device of Wilton as rigid unitary member including a vertical and horizontal portion as the examiner asserts. In this regard, the applicant states that from a careful reading of both claims 1 and 10 it is clear that the “horizontal second portion” extends from the upper end of the “vertically extending first portion” where the first and second portions makeup a single “unitary member.” Wilton discloses a vertical base portion (5), which, taken by itself, is unitary, and then pivotally attached thereto is an elongate longitudinally extendable arm (4) made up of

arm segments 7, 7', 8, 8', 9 and 10. The various segments 7, 7', 8, 8', 9, 10 are hingedly connected to one another to radially move the distal end of the arm and the camera (2) attached thereto to move the camera across the upper surface of a large planar map (1). It should be appreciated that the amendment entered August 13, 2004 added the element of a "unitary member" having the first and second portions thereof for the sole purpose of distinguishing the articulating arm of the previously cited Chapman reference.

The examiner believes that it is obvious from the Walsh reference that a pedestal can be constructed having a base with a unitary member attached thereto having a vertically extending portion and a horizontal portion for retaining a camera assembly and the like from the distal end of the horizontal portion. The examiner has failed, however, to provide a reference that shows a rigid arm mounted at the upper end of a vertical member with the parts forming a unitary member. It should also be appreciated that to modify the Wilton crane as the examiner would have done, would render the device of Wilton inoperable for the purpose for which it is intended. Specifically, the device of Wilton could not be used to simulate the view as seen from an aircraft moving across the surface of the earth because the distal end of the boom would either be rigidly fixed in a single location, or at best pivotable in an arc so as not to simulate the movement of an aircraft over land as the device is intended to provide. Under in re Gordon 221 USPQ 1125 at 1127 it is stated that it cannot be obvious to modify a device in a manner that renders it unsuited for its intended purpose and therefore, it is not obvious to provide the crane of Wilton with a rigid unitary mast and boom as the examiner would have done. Accordingly, the crane of

Wilton cannot be combined with the canopy of Walsh to reach the elements of claims 1 and 10. Claims 1 and 10 are therefore patentable over the combination of Walsh and Wilton.

In the final action, claim 5 was been rejected under 35 USC 103(a) as being unpatentable over Walsh and Wilton in further view of Parra. The Parra reference discloses a telephone in a gaming table and added nothing to the combination of Walsh and Wilton with respect to claims 1 and 10. Claim 5 therefore stands or falls with claim 1 and is not independently patentable over claim 1.

In similar fashion, claims 6 and 11 were rejected under 35 USC 103(a) as unpatentable over Walsh, Wilton, and Jones, II, and again, the applicants do not contend that claims 6 and 11 are independently patentable over the claims upon which they are dependent. Even so, Jones, II fails to provide any teaching which would overcome the deficiencies of the combination of Walsh and Wilton.

(b) Whether claim 2 is unpatentable over Walsh in view of Wilton and in further view of Wynn.

Claim 2 is dependent upon claim 1 and adds “a headset for use by the dealer connected to a supervisor at a remote location to facilitate communication between said supervisor and said dealer.” This claim stands rejected under 35 USC 103(a) over Walsh, Wilton, in further view of Wynn. The forgoing discussion of the Walsh and Wilton references submitted with respect to claim 1 are also applicable to claim 2.

The Wynn reference discloses a gaming device including an audio and a video channel operating between a player at the gaming device and a central location manned by one or more concierges who can communicate with the player, answer questions, make reservations, and in general attend to the requests of the player, see the abstract. Wynn provides for a “handset” rather than a “headset” as required by claim 2. The device of Wynn is no more than a telephone to be used by a player to contact casino personnel. Wynn does not disclose a device for providing oral communication between a dealer and a remote supervisor as required by claim 2. Clearly, Wynn fails to appreciate the benefits of the present invention and therefore the elements recited in claim 2 are not obvious in view of Wynn. It is believed, therefore, that claim 2 is independently patentable over the elements of claim 1.

(c) Whether claims 7 and 12 are unpatentable under 35 USC 103(a) over Walsh in view of Wilton and in further view of Sines.

The Sines reference has been cited in combination with the Walsh and Wilton references to reject claims 4, 7, and 12. Claim 7 is dependent upon claim 1 and recites a video display mounted on the pedestal for projecting the play of the game of the table as recorded by the camera in the canopy. Claim 12 is dependent upon claim 10 and also recites a video display on the pedestal for projecting the play of the game as shown through the camera in the canopy.

It is believed that claims 7 and 12 are independently patentable over the references cited. Sines discloses a gaming system in which the play of a game, such as blackjack or the like, is depicted on a video display and the functions such as

shuffling, cutting, and dealing of cards are accomplished using a data processing function. Sines suggests that the monitors that are used in the game can also display material advertising the game or other games in the casino to attract customers when the displays are not being used for depicting the game. The displays of Sines, however, cannot be used to project a view of the game as seen from the camera in the canopy overhead while the game is in fact in play because of videos of the Sines device are a fundamental element of the game itself. The system and apparatus disclosed by Sines clearly cannot serve the function for which it is intended and simultaneously display the view of the gaming table as seen from the overhead camera as would be required by claims 7 and 12. Accordingly, claims 7 and 12 are independently patentable over the references of record.

(d) Whether claims 8, 9, 13, and 14 are patentable under 35 USC 103(a) over Walsh in view of Wilton in further view of Breeding.

Claims 8, 9, 13, and 14 were rejected under 35 USC 103(a) as being unpatentable over Walsh, Wilton, and Breeding. Claims 8 and 9 are dependent upon claim 1 and claims 13 and 14 are dependent upon claim 10 and all four claims relate to a tray on the pedestal for retaining extra chips and the like used by the dealer. The Breeding reference has been cited as disclosing a “caddy” that provides the dealer with supplemental functions and can be used as a storage table. Breeding, however, does not disclose a separate free standing pedestal, but rather an extension 34 to the table itself. Claims 8, 9, 13, and 14 therefore separately define over the references cited.

Conclusion

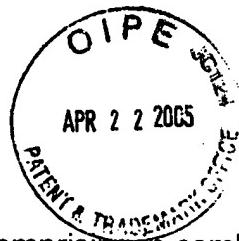
In light of the forgoing remarks, it is respectfully submitted that the examiner's rejection of claims 1, 2 and 4 through 14 was incorrect and should be reversed. Accordingly, it is urged that the examiner be reversed.

Respectfully submitted,



Robert L. Marsh
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(9) Appendix A – Claims



1. A casino gaming station comprising in combination

a table having an upper surface,

said upper surface having markings thereon for use in the playing of a game of chance,

a plurality of play stations designated on said upper surface with each of said play stations for use by one player participating in said game of chance,

a dealer station designated on said upper surface,

a pedestal independent of said table,

said pedestal positioned near said table,

said pedestal including a base and a unitary member attached thereto, said unitary member having a first portion extending vertically from said base,

said vertically extending first portion having an upper end, and

a horizontal second portion of said unitary member attached to said upper end of said first portion and extending therefrom,

said horizontal second portion having an outer end,

a canopy at said outer end of said horizontal second portion,

said canopy positioned over said table, and

a motion video camera positioned in said canopy to record the playing of a game on said table,

said motion video camera directed towards said upper surface of said table to provide a video of the play of said game of chance on said upper surface.

2. A casino gaming station in accordance with Claim 1 and further comprising a headset for use by the dealer connected to a supervisor at a remote location to facilitate communication between said supervisor and said dealer.
4. A casino play station in accordance with claim 1 wherein said canopy includes means for projecting advertising material visible to the patrons near said table.
5. A casino play station in accordance with claim 1 wherein said table is further provided with a socket for attachment to a telephone for use by patrons.
6. A casino game in accordance with claim 1 and further comprising a video display connected to said motion video camera positioned in a remote location for viewing by a supervisor.
7. A casino play station in accordance with claim 1 and further comprising a video display on said pedestal for projecting the play of the game on said table as recorded by said motion video camera, said display oriented so as to be visible by the patrons playing at said table.
8. A casino play station in accordance with claim 1 and further including a tray on said pedestal.

9. A casino play station in accordance with claim 8 wherein said tray is fitted with a retainer for retaining extra chips for use by the dealer.

10. A pedestal for use with a casino gaming table having a plurality of play stations thereon for use by players of the game of the table, said pedestal comprising a base,

a unitary member extending vertically from said base,

said unitary member having a vertical first portion with an upper end, and

a horizontal second portion of said unitary member extending from said upper end of said vertical first portion ,

said horizontal second portion having an outer end,

a canopy at said outer end of said horizontal second portion,

said canopy having an elevation suitable for positioning over said table, and

a motion video camera positioned in said canopy to record the playing of a game on said table,

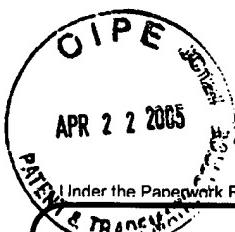
said motion video camera directed towards said upper surface of said table to provide a video of the play of said game of chance on said upper surface.

11. A pedestal in accordance with claim 10 and further comprising a video display connected to said motion video camera positioned in a remote location for viewing by a supervisor.

12. A pedestal in accordance with claim 10 and further comprising a video display on said pedestal for projecting the play of the game on said table as recorded by said motion video camera, said display oriented so as to be visible by the patrons playing at said table.

13. A pedestal in accordance with claim 10 and further including a tray on said pedestal.

14. A pedestal in accordance with claim 13 wherein said tray is fitted with a retainer for retaining extra chips for use by the dealer.



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **250.00**

Complete if Known	
Application Number	10/075,082
Filing Date	02/13/2002
First Named Inventor	Anthony C. Parra
Examiner Name	Christina M. Marks
Art Unit	7564
Attorney Docket No.	M223

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEESFee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

<u>Small Entity</u>	
Fee (\$)	
50	25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
- 20 or HP =	x	=		<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

HP = highest number of total claims paid for, if greater than 20

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=			

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Appeal Brief

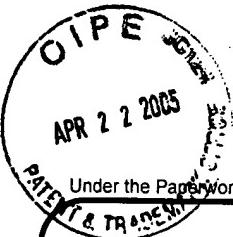
<u>Fees Paid (\$)</u>
\$250.00

SUBMITTED BY

Signature	<i>Robert L. Marsh</i>	Registration No. 25894 (Attorney/Agent)	Telephone 630-681-7500
Name (Print/Type)	Robert L. Marsh		Date 04/20/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/075,082
		Filing Date	02/13/2002
		First Named Inventor	Anthony C. Parra
Total Number of Pages in This Submission	18	Group Art Unit	7564
		Examiner Name	Christine M. Marks & Michael W. O'Neill
		Attorney Docket Number	M223

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert L. Marsh
Signature	
Date	04/20/2005

CERTIFICATE OF MAILING

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